

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

Confirmation No.: 6092

Ian CLARKE, et al.

Date: September 2, 2010

Serial No.: 10/533,842

Group Art Unit: 3761

Filing Date: May 4, 2005

Examiner: Philip R. Wiest

For: LIQUID DISPENSER

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

This Reply Brief responds to the Examiner's Answer dated July 2, 2010.

Independent claim 1 recites an apparatus for controlled rate dispensing of a liquid contained in a flexible bag comprising, *inter alia*, a pressure regulator positioned between the source of gas and the flexible bag, the pressure regulator being configured to continuously self-regulate a pressure of the gas supplied from the source of gas to continuously maintain the pressure of the supplied gas at a constant and predetermined level so as to continuously maintain the pressure applied to the exterior walls of the bag at the constant and predetermined level throughout a duration of the dispensing of the liquid.

In the first point made by the Examiner's Answer responding to Appellant's arguments (Examiner's Answer, p. 8), the Examiner addresses Appellant's observation that Laing does not teach or suggest that pressure supplied from the pump is continuously maintained at a constant and predetermined level, nor that pressure applied to the flexible bag is continuously maintained at a constant and predetermined level. The Examiner's Answer addresses this argument by admitting its accuracy stating, that "these conditions are substantially THE SAME" (emphasis supplied). The

Examiner therefore acknowledges that Laing does not teach or suggest the conditions recited according to independent claim 1, but only conditions that are "substantially" the same.

The Examiner's Answer's further characterizations of Laing are incorrect in that they assert that the pressure that is applied from the air supply will be substantially equal to the pressure within the chamber. This is not the case, because Laing does not teach or suggest that the chamber is sealed, a necessary condition to achieve the result presumed. The Examiner further presumes that this chamber pressure will in turn be the same as the pressure applied to the bag. This is again incorrect, because the pressure applied to the bag according to Laing is determined solely by the pressure within the bladder 30 and the area of contact between the bladder and the flexible container 40. Therefore, the Examiner's Answer continues to misapprehend the teachings of Laing.

Among these misapprehensions are the Examiner's Answers continued reference to the controller (Laing reference 50) as a "pressure regulator", in an attempt to equate the two devices, structurally and/or functionally. The Examiner's Answer alleges "*there are no claimed structural elements that differentiate Laing's threshold pressure control from the instant invention*" (Examiner's Answer, page 9) (emphasis supplied). Appellant respectfully submits that the distinction lies precisely in the language used to define the different elements. Independent claim 1 recites "a pressure regulator". By contrast, Laing discloses as reference 50 a control module, including a transducer 55, a microprocessor 56 and a pump 58. The operation of these components is described in Laing, and acknowledged in the Examiner's Answer, as alternating between high and low threshold pressures. The Control module of Laing is not configured to continuously self-regulate a pressure of the gas supplied from the source of gas to continuously maintain the pressure of the supplied gas a constant and predetermined level. Laing's control module 50 does not maintain a constant pressure as recited in independent claim 1, nor is it functionally or structurally a pressure regulator, recited in independent claim 1.

Furthermore, Appellant notes that the point of contention between pressure and area (Examiner's Answer, page 10) highlights Laing's difference as with independent claim 1, in that Laing proposes to inflate an intermediate bladder 30 to apply pressure to a flexible bag 40. Laing offers no teaching or suggestion concerning the internal pressure within the chamber 20, nor how that directly affects the flexible bag.

Finally, the Examiner's Answer redefines the features of dependent claim 7, where it broadens the claim term "sock" into "any type of bag that is capable of being filled with air" (Examiner's Answer, p. 5). Appellant's disclosure describes "gas sock 24 is wrapped around a substantial part of a bag 25" (Specification, page 8). Further, the Examiner's Answer alleges "**in Figure 1, Laing teaches that an inflatable bladder is an inflatable sock 30 that has a flexible outer wall, said outer wall contacting and partially wrapping around the fluid bag 40.**" (Examiner's Answer, p. 11) (emphasis supplied). Only Laing Figure 1 depicts air bag 30 even contacting a flexible bag 40, but it does not teach or suggest the air bag 30 wraps around any portion of the flexible bag 40. To the contrary, as is clearly shown Laing Figure 1, the air bag 30 contacts one and only one side of the flexible bag 40. Appellant therefore respectfully submits that dependent claim 7 is separately patent, for at least this reason.

For at least the foregoing reasons, a reversal of the Examiner's rejection and an early and favorable Notice of Allowability as to all pending claims is kindly solicited.

No fee is due upon the filing of this Reply Brief.

If this Reply Brief is filed after a shortened statutory time period has elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. §1.17 should be charged to our Deposit Account No. 15-0700.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
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RCF/DJT:lf

Respectfully submitted,



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